

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. Claims 1-24 are pending. Claims 1, 19, 21, and 22 are amended. Claim 21 is amended to insert --part-- after "collar" to be consistent with claim 19, which claim 21 depends. This amendment to claim 21 was not done to further distinguish from the prior art.

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Enders in view of Einsiedel et al.

The M.P.E.P. sets forth the criteria for a rejection for obviousness under 35 U.S.C. §103 as follows:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

See, M.P.E.P. § 706.02(j) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1 is amended to recite a first compression fitting connecting the first fill tube to the manifold, the first compression fitting comprising a cap threadily connected to said manifold and compressing end surfaces of the manifold and the first fill tube together. Claim 1 is further amended to recite a second compression fitting connecting the second fill tube to the manifold, said second compression fitting comprising a cap threadily connected to said manifold and compressing end

surfaces of the manifold and the second fill tube together. Neither Enders nor Einsiedel et al. either alone or in combination teaches or suggests these features. Therefore, claim 1 is allowable for this reason alone.

The Office action further cites no reference disclosing any element threadily connected to the fluid distribution manifold. Instead, the office action relies solely on the Examiner's personal knowledge that it is old and well known to use threaded fasteners and include a threaded connection in the modification of the Enders. Applicant, at this time and pursuant to 37 C.F.R. §1.104(d)(2), requests an affidavit of the Examiner to support the Examiner's statement. Therefore, because the proposed combination of Enders and Einsiedel et al. does not teach or suggest all of the claim limitations of claim 1, the proposed combination of Enders and Einsiedel et al. fails to establish a prima facie case of obviousness. Thus, for this reason alone, claim 1 is allowable.

Also, there is no suggestion or motivation in Enders or Einsiedel et al. or in the knowledge of one of ordinary skill in the art to include a threaded connection in the gas guide of Enders as proposed in the rejection of claim 1. It is respectfully suggested that such a modification of Enders to include a threaded connection only seems plausible after having the benefit of the Applicants' disclosure. The use of the teachings of the present invention to find obviousness is impermissible.

The court must be ever alert not to read obviousness into an invention on the basis of applicant's own statements; that is, we must view the prior art without reading into that art applicant's teachings. The issue, then, is whether the teachings of the prior art would, in and of themselves and without the benefits of appellant's disclosure, make the invention as a whole obvious.

In Re Spinnoble, 160 USPQ 237 at 243 (CCPA 1969) (emphasis in original).

Accordingly, the Examiner must consider only the teachings of the prior art references. Without the teachings of the present invention, one of ordinary skill in the art would not even consider modifying Enders to include a threaded connection. Thus, for this further reason, allowance of claim 1 is respectfully requested.

Therefore, in view of the above-mentioned reasons, claim 1 is allowable. Claims 2-18 depend from claim 1 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

Independent claim 19 is amended to recite that the first and second collar parts are fastened to each other at the flange portions by a respective screw with an axis of the screw extending vertically, when said manifold is installed in the vehicle, through the flange portions to cause the inner surfaces to encircle and engage an outlet portion of the inflator and to clamp the collar portion onto the outlet portion of the inflator. Claim 19 is further amended to recite that the sides of the flange portions facing each other lie horizontally, when said manifold is installed in the vehicle. Neither Enders nor Einsiedel et al. nor Shellabarger either alone or in combination teaches or suggests these features. Therefore, claim 19 is allowable.

Claims 20-24 depend from claim 19 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

Also, regarding claim 21, the Office action further cites no reference disclosing another flange portion for first collar part and another flange for second collar part. Instead, the office action relies solely on the Examiner's personal knowledge that mere duplication of the essential working parts of a device involves only routine skill in the art. Applicant, at this time and pursuant to 37 C.F.R. §1.104(d)(2), requests an affidavit of the Examiner to support the Examiner's statement. Therefore, because

the proposed combination of Enders, Einsiedel et al., and Shellabarger does not teach or suggest all of the claim limitations of claim 21, the proposed combination of Enders, Einsiedel et al., and Shellabarger fails to establish a prima facie case of obviousness. Thus, for this reason alone, claim 21 is allowable.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


Thomas L. Tarolli
Reg. No. 20,177

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294